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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,194

Applicant(s)

WILKMAN, MICHAEL A.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/15/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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FIRST ACTION REJECTION

(Paper# 11/15/2004)

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §101

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful
process, machine, manufacture, or composition of matter or
any new and useful improvement thereof, may obtain a
patent therefore, subject to the conditions and requirements
of this title.

2. Claims 1-11 are rejected under 35 U.S.C. 101, because said claims are directed to non-statutory subject matter.

As per claims 1-11, as drafted said claims are not limited by language within the

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technological arts (see *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV 2(b), even though said claims are limited to language to a useful, concrete and tangible application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75, 47 USPQ 2d at 1602 (Fed Cir. 1998); *AT&T Corp. v. Excel*, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999).

Note: it is well settled in the law that "[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims." (See MPEP 2173.05(q)).

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. §103(a) as being obvious over Small US 5,791,991 (08/11/1998) (herein referred to as "Small").

As per independent claim 1, Small (the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) discloses: *"The present invention is an interactive consumer product promotion method and match game in which a database is accessed for an information screen which is displayed on an interactive electronic terminal, such as a personal computer, interactive television, in-store kiosk, etc. The displayed information screen typically includes a listing of popular consumer product categories, such as 'Detergents'; 'Cereals'; 'Motor oil'; 'Cookies'; etc. An instruction set informs the consumer to select a predetermined number of categories for which he or she desires information on available refunds or discounts."*

The Examiner interprets this disclosure as showing: "A system for facilitating the matching of at least one promotion with at least one user . . . a user module configured to manage preferences. . . ."; and

The Examiner interprets the above disclosure as implicitly showing: "a merchant management module configured to manage at least one promotion that corresponds to at least one of a plurality of merchants . . . [and] a transaction module configured to present

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information about the at least one promotion to one [sic] the at least one user wherein the promotion relates to preferences that correspond to the user. . . .”

Small lacks explicit recital of “a merchant management module configured to manage at least one promotion that corresponds to at least one of a plurality of merchants . . . [and] a transaction module configured to present information about the at least one promotion to one [sic] the at least one user wherein the promotion relates to preferences that correspond to the user. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) implicitly shows “a merchant management module configured to manage at least one promotion that corresponds to at least one of a plurality of merchants . . . [and] a transaction module configured to present information about the at least one promotion to one [sic] the at least one user wherein the promotion relates to preferences that correspond to the user. . . .”, and it would have been obvious to modify and interpret the disclosure of Small (the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) cited above as implicitly showing “a merchant management module configured to manage at least one promotion that corresponds to at least one of a plurality of merchants . . . [and] a transaction module configured to present information about the at least one promotion to one [sic] the at least one user wherein the promotion relates to preferences that correspond to the user. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer*

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product promotion method. . . .” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that *“personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .”* (See Small (col. 4, ll. 5-15)).

As per dependent claim 2, Small shows the system of claim 1.

Small (col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) shows: “the merchant module is further configured to . . . register a plurality of merchants . . . track merchant billing information. . . .”

Small lacks explicit recital of “collecting promotion program information. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) implicitly shows “collecting promotion program information. . . .”, and it would have been obvious to modify and interpret the disclosure of Small (col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) cited above as implicitly showing “collecting promotion program information. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to *“provide an improved consumer product promotion method. . . .”* (see Small

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(col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per dependent claim 3, Small shows the system of claim 1.

Small (FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; col. 2, ll. 58-67; and col. 3, ll. 1-22) shows: “the user module is further configured to . . . process a user query to determine user interest; select promotions that relate to the user interest. . . .”

Small (col. 5, ll. 13-40; FIG. 8; col. 2, ll. 58-67; col. 3, ll. 1-25; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) implicitly shows: “present an electronic document that includes information about the selected promotions.”

Small lacks explicit recital of “present an electronic document that includes information about the selected promotions. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (col. 5, ll. 13-40; FIG. 8; col. 2, ll. 58-67; col. 3, ll. 1-25; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) implicitly shows “present an electronic document that includes information about the selected promotions.”, and it would have been obvious to modify and interpret the disclosure of Small (col. 5, ll. 13-40; FIG. 8; col. 2, ll. 58-67; col. 3, ll. 1-25; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) cited above as implicitly showing “present an electronic document that includes

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information about the selected promotions.”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per dependent claim 4, Small shows the system of claim 3.

Small (col. 3, ll. 40-50) discloses: “*the proofs of purchase can be electronically scanned into the database. . . .*”

The Examiner interprets this disclosure as showing “the user module is further configured to process purchase transaction information relating to at least one of the selected transactions.”

Small lacks explicit recital of “the user module is further configured to process purchase transaction information relating to at least one of the selected transactions. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (col. 3, ll. 40-50) implicitly shows “the user module is further configured to process purchase transaction information relating to at least one of the selected transactions. . . .”, and it would have been obvious to modify and interpret the disclosure of Small (col. 3, ll. 40-50) cited above as implicitly showing “the user module

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is further configured to process purchase transaction information relating to at least one of the selected transactions. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per dependent claim 5, Small shows the system of claim 1.

Small (FIG. 2, el. 100; FIG. 2; FIG. 1) discloses: “*SUBMIT . . . PROOFS . . . ELECTRONICALLY TO FULFILLMENT CENTER. . . .*”

The Examiner interprets this disclosure as showing “the user module is configured to register a plurality of users.”

Small lacks explicit recital of “the user module is configured to register a plurality of users. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (FIG. 2, el. 100; FIG. 2; FIG. 1) implicitly shows “the user module is configured to register a plurality of users. . . .”, and it would have been obvious to modify and interpret the disclosure of Small (FIG. 2, el. 100; FIG. 2; FIG. 1) cited above as implicitly showing “the user module is configured to register a plurality of users. . . .”, because modification and interpretation of the cited disclosure of Small

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would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per dependent claim 6, Small shows the system of claim 1.

Small (FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; col. 2, ll. 58-67; and col. 3, ll. 1-22) shows: “the user module is configured to present the user with access to a user transaction manager tool . . . the user transaction manager tool is configured to . . . process a user query to determine user interest; select promotions that relate to the user interest. . . .”

Small (FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; and FIG. 8) implicitly shows: “present an electronic document that includes information about the selected promotions. . . .”

Small lacks explicit recital of “present an electronic document that includes information about the selected promotions. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (col. 5, ll. 13-40; FIG. 8; col. 2, ll. 58-67; col. 3, ll. 1-25; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) implicitly shows “present an electronic document that includes information about the selected promotions.”, and it

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would have been obvious to modify and interpret the disclosure of Small (col. 5, ll. 13-40;

FIG. 8; col. 2, ll. 58-67; col. 3, ll. 1-25; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG.

7) cited above as implicitly showing “present an electronic document that includes information about the selected promotions.”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per independent claim 7, Small (the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) discloses: “*The present invention is an interactive consumer product promotion method and match game in which a database is accessed for an information screen which is displayed on an interactive electronic terminal, such as a personal computer, interactive television, in-store kiosk, etc. The displayed information screen typically includes a listing of popular consumer product categories, such as ‘Detergents’; ‘Cereals’; ‘Motor oil’; ‘Cookies’; etc. An instruction set informs the consumer to select a predetermined number of categories for which he or she desires information on available refunds or discounts.*”

The Examiner interprets this disclosure as showing: “A method for managing a plurality of custom-selected promotions. . . .”; and

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The Examiner interprets the above disclosure as implicitly showing: “requesting a plurality of promotions relating to a plurality of merchants. . . .”

Small (FIG. 2, el. 100) discloses: “*SUBMIT FORM . . . ELECTRONICALLY TO FULFILLMENT CENTER. . . .*”

The Examiner interprets the above disclosure as implicitly showing: “submitting user information relating to at least one user. . . .”

Small (FIG. 2, el. 95) discloses: “PROMPT SELECTION OF INDIVIDUAL PRODUCTS FORM CATEGORIES. . . .”

The Examiner interprets the above disclosure as implicitly showing: “receiving a set of promotions, wherein the set corresponds to at least a subset of the user information and at least one of the plurality of merchants; and selecting at least one of the set of promotions. . . .”

Small (FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; col. 2, ll. 58-67; and col. 3, ll. 1-22) shows: “selecting at least one of the set of promotions. . . .”

Small lacks explicit recital of “receiving a set of promotions, wherein the set corresponds to at least a subset of the user information and at least one of the plurality of merchants; and selecting at least one of the set of promotions. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (FIG. 2, el. 95; ; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; col. 2, ll. 58-67;

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and col. 3, ll. 1-22) implicitly shows “receiving a set of promotions, wherein the set corresponds to at least a subset of the user information and at least one of the plurality of merchants; and selecting at least one of the set of promotions. . . .”, and it would have been obvious to modify and interpret the disclosure of Small (FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; col. 2, ll. 58-67; and col. 3, ll. 1-22) cited above as implicitly showing “receiving a set of promotions, wherein the set corresponds to at least a subset of the user information and at least one of the plurality of merchants; and selecting at least one of the set of promotions. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per independent claim 8, Small (the ABSTRACT; FIG. 1; FIG. 2; col. 2, ll. 58-67; and col. 3, ll. 1-22) discloses: “*The present invention is an interactive consumer product promotion method and match game in which a database is accessed for an information screen which is displayed on an interactive electronic terminal, such as a personal computer, interactive television, in-store kiosk, etc. The displayed information screen typically includes a listing of popular consumer product categories, such as*

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'Detergents'; 'Cereals'; 'Motor oil'; 'Cookies'; etc. An instruction set informs the consumer to select a predetermined number of categories for which he or she desires information on available refunds or discounts.'

The Examiner interprets this disclosure as showing: "A method for managing promotions. . . ."

Small (FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; col. 5, ll. 13-25; col. 7, ll. 1-15; col. 7, ll. 35-50; the ABSTRACT; col. 2, ll. 58-67; and col. 3, ll. 1-22) shows "receiving a plurality of promotions relating to a plurality of merchants. . . ."

Small (FIG. 2, el. 100; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; and FIG. 8) shows: "receiving user information relating to a plurality of users. . . ."

Small (FIG. 8; all of FIG. 2; as well as specifically FIG. 2, el. 100) shows: "matching at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information. . . ."

Small (FIG. 2, el. 95; FIG. 2, el. 96; and FIG. 2, el. 97) implicitly shows: "matching at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information; and presenting to the at least one of the plurality of users information in a promotion document about the at least one of the plurality of promotions."

Small lacks explicit recital of "matching at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information; and presenting to the at least one of the plurality of users

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information in a promotion document about the at least one of the plurality of promotions. . . .”; however,

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (FIG. 2, el. 95; FIG. 2, el. 96; and FIG. 2, el. 97) implicitly shows “matching at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information; and presenting to the at least one of the plurality of users information in a promotion document about the at least one of the plurality of promotions. . . .”, and it would have been obvious to modify and interpret the disclosure of Small (FIG. 2, el. 95; FIG. 2, el. 96; and FIG. 2, el. 97) cited above as implicitly showing “matching at least one of the plurality of promotions to at least one of the plurality of users based at least upon a portion of the plurality of user information; and presenting to the at least one of the plurality of users information in a promotion document about the at least one of the plurality of promotions. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per dependent claim 9, Small shows the method of claim 8.

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Small (FIG. 2, el. 96) discloses: “*SEND COUPON AND REBATE OFFERS AND PERSONALIZE FORM. . . .*”

Small lacks explicit recital of “the promotion document includes an interactive coupon. . . .”

Official Notice is taken that both the concepts and the advantages of elements and limitations such as “the promotion document includes an interactive coupon. . . .” were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Small (FIG. 2, el. 96, as well as FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) implicitly shows “the promotion document includes an interactive coupon. . . .”; and it would have been obvious to modify and interpret the disclosure of Small (FIG. 2, el. 96, as well as FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) cited above as showing “the promotion document includes an interactive coupon. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per dependent claim 10, Small shows the method of claim 8.

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Small (FIG. 2, el. 96) discloses: “*SEND COUPON AND REBATE OFFERS AND PERSONALIZE FORM. . . .*”

Small lacks explicit recital of “the promotion document includes an advertisement audio and video commercial. . . .”

Official Notice is taken that both the concepts and the advantages of elements and limitations such as “the promotion document includes an advertisement audio and video commercial. . . .” were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Small (FIG. 2, el. 96, as well as FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) implicitly shows “the promotion document includes an advertisement audio and video commercial. . . .” ; and it would have been obvious to modify and interpret the disclosure of Small (FIG. 2, el. 96, as well as FIG. 3; FIG. 4; FIG. 5; FIG. 6; and FIG. 7) cited above as showing “the promotion document includes an advertisement audio and video commercial. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

As per dependent claim 11, Small shows the method of claim 8.

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Small (FIG. 2) shows: “the user information includes at least one of a desired good. . . .”

Small (FIG. 2) implicitly shows: “the user information includes at least one of a designated activity, a designated location, a range of dates, a desired good and a desired service. . . .”

Small lacks explicit recital of “the user information includes at least one of a designated activity . . . and a desired service. . . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Small (FIG. 2) implicitly shows “the user information includes at least one of a designated activity . . . and a desired service. . . .”, and it would have been obvious to modify and interpret the disclosure of Small (FIG. 2) cited above as implicitly showing “the user information includes at least one of a designated activity . . . and a desired service. . . .”, because modification and interpretation of the cited disclosure of Small would have provided means to “*provide an improved consumer product promotion method. . . .*” (see Small (col. 3, ll. 52-55)) based on the motivation to modify Small so that “*personalized discount and/or refund information is made available for storing or printing for selected products in each of the selected product categories. . . .*” (See Small (col. 4, ll. 5-15)).

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CONCLUSION

4. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

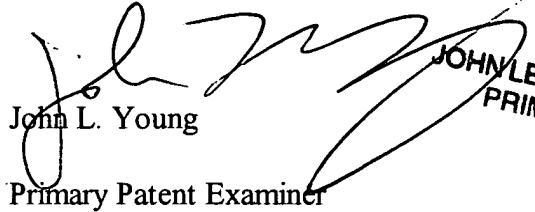
Serial Number: 09/909,194

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Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

November 15, 2004